UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	X	
JAMES W. GILLIAM, et al.,	: :	
Plaintiffs,	:	22-CV-7513 (JMF)
-V-	· :	22 0 7 7515 (01411)
	:	<u>ORDER</u>
DISCOVER BANK, et al.,	:	
Defendants.	:	
	: X	

JESSE M. FURMAN, United States District Judge:

On February 2, 2023, Plaintiffs James W. Gilliam and Laura A. Gilliam filed what purported to be a "Notice of Voluntary Dismissal Pursuant to F.R.C.P 41(a)(1)(A)(i)." See ECF No. 43. Because Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure states that plaintiffs may only dismiss an action without a court order by filing either "(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared," neither of which were applicable, the Court issued an Order directing Defendants to "file letters indicating whether they have any objections to the request." See ECF No. 50.

Defendant Kirschenbaum & Phillips, P.C. objected to dismissal unless it was with prejudice, *see* ECF No. 51, and on February 9, 2023, this Court issued an Order dismissing Ms. Gilliam *without* prejudice — because it was unclear whether this lawsuit was properly filed on Ms. Gilliam's behalf in the first instance — and stating that Mr. Gilliam's suit would be dismissed *with* prejudice unless he filed a letter by February 15, 2023, stating that he wishes to continue litigating the case. That date has now passed, and Mr. Gilliam has not indicated any intention to continue litigating this case. Mr. Gilliam's claims are therefore dismissed *with* prejudice.

The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: February 16, 2023 New York, New York

JESSE M. FURMAN United States District Judge